

September 27, 2004

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
SEPTEMBER 27, 2004

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
LEN MCDONALD
MICHAEL REIS
STEPHEN RIVERA

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

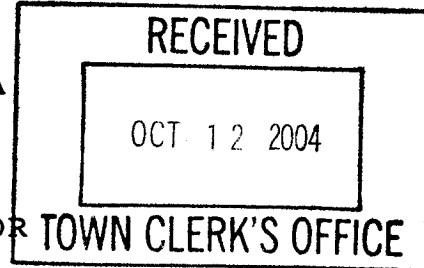
ABSENT: JOSEPH MINUTA
KATHLEEN LOCEY
KIMBERLY GANN

REGULAR MEETING

MR. KANE: I'd like to call the September 27, 2004
Zoning Board of Appeals session to order.

APPROVAL OF MINUTES DATED AUGUST 23, 2004

MR. KANE: Motion to accept the minutes of August 23,
2004 as written?



September 27, 2004

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MR. MC DONALD: Make a motion.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

PRELIMINARY MEETINGS:

GENARO ARGENIO (04-66)

MR. KANE: Request for 7 ft. side yard setback, 7 ft. rear yard setback, 3 ft. 6 in. maximum building height for proposed accessory building at 34 Sesame Street in an R-1 Zone.

Mr. Jerry Argenio appeared before the board for this proposal.

MR. KANE: So everybody knows, the Town of New Windsor holds a preliminary meeting and we try to get all the information from you so you can give us an idea of what you want to do, we can tell you what we need to try to make this thing go along. Everything has to be done by a public hearing so you'll do the same thing again when we have the public hearing and you actually do the vote at that point. Some towns do it cold where you just come in, tell us what you want, if you don't have the proper stuff, you lose. So New Windsor is pretty good, even though it's a two step process so proceed to tell us what you want to do, sir.

MR. ARGENIO: Mr. Chairman, I'd like to construct an outbuilding in my yard to store some of the things that myself and my family have accumulated over the years. We seem to be bursting out of our garage and our basement after only living in the home about 6 years, 5 or 6 years. I would like to construct a sizable shed with an attic to store these items that I just described, typical homeowner's stuff, pool floats, lawn mowers, things of that nature that are currently cluttering my yard. In my opinion, the best place to construct this structure is where it's shown on the map, I believe you folks have a copy of the map. We have a deed restriction in our neighborhood, it's a private road, Mr. Chairman, and I don't have the deed restrictions memorized, but it's things to the like of

outbuildings need to be constructed in the same style and decor as the house, no boats, no commercial vehicles, no unregistered vehicles laying about the yard, so to maintain the spirit of what we have in the neighborhood, I thought it best if I could construct this shed in an area where it would be concealed to the greatest extent that is possible. On the lower end of the property you can see it's fairly steep in the back of the property, it's an open lawn and if I place, I put it there, it will be clearly visible from the road and unsightly and it's still going to be visible from the road. As you can see in those photos 2 and 3 and 4 specifically is if this board sees their way clear to offer me the variance that I'm looking for, I can tuck it in beside the cedar trees and it would be screened from the cul-de-sac by the trees and I apologize, I should have a photo of from my neighbor's property looking at my property, if I had that photo, you would see that in the back of my property this is a wood line that I have indicated on the sketch that I drew it would also be screened from my neighbor's property.

MR. KANE: Can you bring that photo for the public hearing?

MR. ARGENIO: I'd be happy to do that, Mr. Chairman. Additionally, the three foot that I'm asking for or the three foot that I'm asking for is not arbitrary, I did speak to my neighbor in the back, it's a woman, her name is Grace Matos to ask her opinion how she, if she'd look favorably upon it or not and she said she took no exception to it whatsoever but she did ask me if I can keep it away from the property line a bit to plant some bushes there to keep the spirit of the neighborhood that we have there on Sesame Street, that's where I came up with the three foot. That's it, Mr. Chairman. I'd be happy to answer any questions that the board may have.

MR. KANE: Except for the height of the building--

MR. ARGENIO: The shed itself whatever the dimensions of it I need to place 6 or 7 cedar trees to see what I can fit without it being an eyesore from the cul-de-sac but talking about approximately 17 or 18 feet by 19 or 20 feet something of that nature I'm looking for the relief on the height. I don't want to be back here again, I want to put some sort of an attic in the structure and be able to store stuff upstairs because I'm getting to the point where this is kind of getting old, I want to have some space and be done with it.

MR. REIS: Taking down substantial amount of trees?

MR. ARGENIO: No, not a substantial amount, Mr. Reis, I'd say probably six or seven of the cedar trees, not more than that and it's only those cedar trees, there's no tall oaks or tall pines or anything of that nature and again as I said to the chairman, Mr. Reis, I will make sure that next time I get some photos of the rear of the property from my neighbor's property for the public hearing.

MR. KANE: Not creating any water hazards or runoff?

MR. ARGENIO: No.

MR. KANE: Septic and well?

MR. ARGENIO: Yes.

MR. KANE: No easements through the area where you're proposing to put it?

MR. ARGENIO: No easements.

MR. KRIEGER: If the height were allowed, will it be any higher than the main building?

MR. ARGENIO: No, no, absolutely not.

MR. KANE: One question I have, Mike, for the building department looking at this coming out to the cul-de-sac as long as he's here is that going to be considered front yard, he's putting the shed here, his house is there, no sense giving him a variance if we make him illegal too.

MR. BABCOCK: We can put that in there.

MR. KANE: It's a weird lot but I don't want to have him run into anything.

MR. BABCOCK: Actually his front yard is a circular because of the cul-de-sac at 35 feet. Do you see the dotted line, Mr. Chairman, if you have it?

MR. KANE: Yeah.

MR. BABCOCK: That's his front yard setback the dotted line so I don't know whether you would say that's in the front yard or not, I guess you could so since he's here, I'll put that in.

MR. KANE: It's your call because the banks are going to be asking you.

MR. BABCOCK: I'll put that section of the code in there so there's no question.

MR. KANE: Do you follow what I'm getting at? Just looking at the map or somebody would look like the shed is in the front of the house and you're not in the front of the house and you're not allowed to have the accessory buildings in the front yard so just to cover that base cause you never know, it's not going to cost you anything extra but I'd prefer that you make that application so that it doesn't rear its head later on for you.

MR. ARGENIO: What's that, Mr. Chairman, that's a separate and distinct application?

MR. KANE: No, no, right added into this.

MR. ARGENIO: Verbiage that would be written into this?

MR. BABCOCK: One more variance.

MR. KANE: One more added to this which neither makes it more expensive--

MR. ARGENIO: The board would look upon it for sure, it's my back yard.

MR. KRIEGER: Understand it's not so much the board is concerned about that as the concern is that somebody else looking at it in the future.

MR. KANE: Bank.

MR. KRIEGER: May I attach that?

MR. KANE: They may say it's your front yard and--

MR. BABCOCK: Jerry, just in plain terms if they were to continue Sesame Street farther along and get rid of the cul-de-sac that shed would then be in your front yard.

MR. KANE: Then somewhere down the line it would come up so rather than handling it ten years from now, let's just straighten it out.

MR. ARGENIO: Yes.

MR. BABCOCK: There's a section that says it can't project closer to the street than the principle building. I'll write that in there.

MR. KANE: With your permission.

MR. ARGENIO: Absolutely, you have that, Mike.

MR. BABCOCK: Yes.

MR. KANE: You guys got that?

MR. ARGENIO: Lot 38, Mr. Reis, is a 17 acre parcel back here, I can show it to you.

MR. BABCOCK: It's a 50 foot strip to get to that.

MR. ARGENIO: Correct but 38 is a 17 acre parcel.

MR. REIS: There's potential for future development possibly?

MR. ARGENIO: Not really.

MR. REIS: The reason I mention that if that would ever happen, obviously.

MR. ARGENIO: Here it is right here.

MR. REIS: So it could indeed become a front yard some day possibly?

MR. ARGENIO: It's possible.

MR. KANE: Rather than something pop up, let's just clear it up.

MR. ARGENIO: I agree, it's the wisdom of sitting in that seat.

MR. KANE: Are you going to be putting any electric power to this shed?

MR. ARGENIO: I don't think I've thought it through

that far at this point.

MR. KANE: The only other thing that I, and it's really not in the application, 17 x 19 seems a little big, I don't know, maybe I'm wrong.

MR. BABCOCK: For the size of his lot, he's well, he could put probably could put a 30 x 40 in.

MR. KANE: So no problem.

MR. BABCOCK: Without a problem, yeah, and the height Mr. Chairman is the, when I talked to Mr. Argenio about the pitch of the roof, one of the things of what we thought is that you should keep the same pitch as the house so on a structure that's 18 to 20 foot wide, if I try to stay 15 feet high, you put a real low peaked roof, it's not even to come near what the house would look like.

MR. KANE: Okay, any other questions?

MR. REIS: You asked about electric and/or plumbing but you're not sure if that's going to happen.

MR. ARGENIO: Again, I'm quite sure there will be no plumbing in there. The electric as I said I really haven't thought it that far through. I'd like to have electric be very honest with you.

MR. KANE: Just so you know during the public hearing I will state since it's going to be a fairly decent size that there's no intention to use that as a small apartment or anything along those lines, just so we have it in the record.

MR. ARGENIO: Absolutely.

MR. KAEN: Cause they live in strange places around here.

MR. ARGENIO: I'm well aware of that in the Town of New Windsor, Mr. Chairman.

MR. KANE: Okay, any other questions, gentlemen? Motion?

MR. REIS: Make a motion that we set up Mr. Argenio for his public hearing for his requested variances at 34 Sesame Street.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. ARGENIO: One final thing relative to the front yard business, there's no action required on my behalf?

MR. BABCOCK: No, we're going to add it to the list and that's it.

MR. KANE: Only action we needed was your approval.

MR. ARGENIO: Thank you for your time.

DA ASSOCIATES LLC (FLANNERY ANIMAL HOSPITAL) (04-67)

MR. KANE: Request for facade signs, one 57 in. x 28 in sign, one 24 in. x 30 in. sign, one 19 in. x 42 in sign, one 21 in. x 73 in. sign, freestanding #1, 4.7 square feet and freestanding #2, 64 square feet and approved for second freestanding sign all existing at 789 Little Britain Road.

Adam Rodd, Esq. and Ms. Sheryl Breau appeared before the board for this proposal.

MR. KANE: You're on.

MR. RODD: Good afternoon, Mr. Chairman and members of the board, my name is Adam Rodd, I'm here on behalf of Flannery Animal Hospital. I'm with the law firm of Drake, Sommers. With me is Cheryl Breau, she's the office manager at Flannery Animal Hospital and hopefully can even answer some specific questions if I can't or we need some information. In a nutshell, I believe all of you are familiar with the Flannery Animal Hospital facility, there are four facade signs and I have pictures and I believe they are with the application of the facade signs and two freestanding signs, all of those signs have been up for approximately 6 years and the problem arose I believe in the course of a refinancing when it was discovered that the number of signs and the size of the signs are technically not in compliance with your code. So we're here seeking a variance, a sign variance simply to maintain what's already there and those are the facade signs and the two freestanding signs and that's it.

MR. KANE: Freestanding signs have any illumination?

MR. RODD: Yes.

MR. KANE: Steady, flashing, neon?

MR. RODD: In driving passed it just now, I believe it's just a light that illuminates it from the exterior.

MR. KANE: Nothing on those lights would inhibit the view of any cars driving by?

MR. RODD: No.

MR. KANE: Any complaints formally or informally since those signs have been up?

MR. RODD: No.

MR. REIS: All these are existing signs and have been there since Flannery took over the building?

MR. RODD: Yes.

MR. KANE: Except for the freestanding signs, they're all by the entrance and that's off of 207?

MR. RODD: Yes, 207.

MR. KANE: None of the wall signs are lit?

MS. BREAU: No.

MR. KANE: Normally, I'd say it's a lot of excess wall signs but you can see that they're all kind of necessary for your operation, at least that's my thought.

MR. REIS: Any of these signs that you're looking for lessen the burden of us granting you this, is there anything that you feel you could do away with and still have the exposure that you need?

MR. RODD: Well, I think as indicated on the application that each of the signs is kind of important

and serves a purpose. Again, this is a veterinary facility where people are coming literally at all hours and with respect to the providers that's listed there in one sign, the hours of operation, emergency service the number is listed, there is another sign, this emblem and I really can't speak to the specifics of the code and what is a sign, I'm not sure it is a sign, but it identifies the facility as a veterinary hospital. And because of the nature of the property, it's on a corner lot, it's an over 3 acre lot that's set back a good distance, there's a lot of lawn there. So with respect to vehicle traffic going on 300 and 207, the signs really do serve a useful purpose in signaling to whoever is looking for the animal hospital this is where the animal hospital is and this is where to enter the animal hospital.

MR. REIS: If I remember you have one ingress egress?

MR. RODD: That's correct on 207.

MR. KANE: One of the signs is by the entrance?

MR. RODD: Yes.

MR. KANE: And the other is on 300?

MS. BREAU: Yes.

MR. KANE: Kind of necessary. Your freestanding signs are similar or less than other signs in your area, your specific area?

MR. RODD: Yeah, they certainly are, especially just driving down 300 heading towards Vails Gate, the signs are certainly in terms of dimension and style compatible and in keeping with all the other signs.

MR. KANE: I have no further questions. I think the four facade signs are minuscule and two of them are

quite necessary the way I see it.

MR. BABCOCK: The other two signs we didn't want to decide whether they are signs or they are not signs, since they're coming here, well, the hours of operation sign would not be on this list if it didn't have the emergency service and their telephone number on it.

MR. KANE: But that's the number they need is the emergency number.

MR. BABCOCK: Then it becomes a sign once they do that so since we're here, we thought we'd write them all the way that we did.

MR. KANE: Any questions, gentlemen?

MR. REIS: Fact is on two main arteries they're kind of necessitates what you've got there. I'm good.

MR. KANE: Motion?

MR. MC DONALD: Make a motion that we set up the DA Associates for their public hearing for their requested variances on their facade signs, freestanding 1 and freestanding 2 all existing at 79 Little Britain Road.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

WILLIAM GREEHEY (04-68)

MR. KANE: Request for 22 ft. rear yard setback for proposed 13 ft. x 21 ft. addition at 2209 Revere's Run in an R-3 zone.

Mr. and Mrs. William Greehey appeared before the board for this proposal.

MR. KANE: Step up and tell us what you want to do.

MR. GREEHEY: Well, if you see our house from the front, you'll say it looks like a very nice, very good sized home. But if you see it from the side because of the lot configuration, very large swing of the cul-de-sac, our house is very narrow. The result is we have a long narrow kitchen with no access to the dining room directly, we have to go down through the vestibule and around. We have a small narrow living room. We have a lot of family that come over and to have room for everyone which totals up to ten grandchildren plus parents, other relatives, it's extremely cramped and what we're looking to do is by having this bump out we'd be able to get a family room or just really combine it with the living room and have a great room and be able to open up the kitchen where it's more practical and open up into the dining room and it's actually the bump out, only half of the bump out is in variance because the setbacks create a 30-60 triangle and we're just moving up into the apex of the 60 degree angle and creating an equal triangle which is the variance.

MR. KANE: Do you intend to pave the gravel drive down the line? You have a gravel driveway or is that paved?

MR. GREEHEY: No, it's asphalt.

MR. KANE: Says gravel here so probably old. Mike, how does that work with area coverage? We should take a

look at that.

MR. BABCOCK: Apparently, it hasn't been looked at.

MR. KANE: Just to make sure you're allowed to cover so much area on your property, if it was a gravel driveway then it's considered porous, the water can go through it but if it's blacktop, then it's part of the developmental coverage so we want to make sure that you're in that zone.

MR. BABCOCK: Now, I'm thinking back a little bit when we did that, we went into the original subdivision, that subdivision is fairly old, it was approved back in the '70s and on the original subdivision, there is no requirement for developmental coverage in this area. It was never put in. So we had one, we had one with the gentleman that put up the area around the pool, okay, and what we did is we took the R-3 regulations and applied it to this lot because there was no other, there's no regulations that's on this map that says it.

MR. KANE: Under R-3 would he be okay?

MR. BABCOCK: No, I don't think so.

MR. KANE: So we should cover that.

MR. BABCOCK: Okay. I think under R-3 regulations what he has right now which is legal would be over the developmental coverage because of the size of the lot and the size of the house with the driveways and sidewalks and everything else which we can do.

MR. KANE: So with your permission we're going to add that to your application.

MR. GREEHEY: Fine.

MR. KANE: So we can cover the developmental coverage

and clear everything up. Okay?

MR. GREEHEY: Now just as a curiosity talking about coverage basically the area that we would, we hope to move into is a patio so that depending on how much money we have left over, we would be thinking of putting the patio to the side but we might not be able to do that on the coverage basis.

MR. KANE: Yeah.

MR. REIS: Why don't we include that potential?

MR. MC DONALD: Just in case. Is that all right with you, Mike?

MR. BABCOCK: I'll need that, I'll need that information from him.

MR. KANE: We need a dimension, approximate, doesn't mean that you have to go and build this but we'll put it in there and it means if it's approved you'll be covered for it. So you can build it cause if he puts any kind of block down on the ground basically he needs it and it will come up when you go to refinance or sell. Let's try to add that in. What you can do, what I would suggest is take a look and maybe think about it, if you can't think of numbers right off the bat now is to think about a number for that and if it's going to be 10 x 10, 12 x 12, give Mike a call as soon as you can to let him know what the numbers are and he can work all the numbers for developmental coverage.

MR. GREEHEY: I would say 12 x 12 is probably as large as we would be going again.

MR. KANE: Do these back stairs that are shown on this does that come back to a patio?

MR. GREEHEY: Yes, if you look at the pictures they're

in the set you should be able to see all of that.

MR. KANE: This is where you want to put the addition?

MR. GREEHEY: The addition would be right where the tables are, you can see the stake right in the corner.

MR. KANE: Is this gravel?

MR. GREEHEY: No, that's all stone.

MR. KANE: So basically it's already there.

MR. REIS: Well, if he's expanding.

MR. KANE: Let's add it in 12 x 12. The one question that I just want to make sure there will be no problems with is the edge of the building you have a ten foot wide drainage easement, how wet does that stay and how close are we going to get to that?

MR. GREEHEY: It doesn't, no, it's, well, it doesn't get wet at all, the water accumulation is here. Matter of fact, there's a drain that they put right here so unfortunately, even with a bit of a culvert that they have attempted to put in just recently tremendous amount of water comes down here across here taking out all the grass and creating I think it's undercutting my driveway, there's a bad spot showing up and it stays damp days after it stops raining but no problem over there because we have the catch pond there and there's really there's no dampness. Matter of fact, one of the nice things about the house is it's been able to maintain a dry basement through all of this heavy rain that we have been having.

MR KANE: Won't be cutting down any trees or substantial vegetation in the building of it?

MR. GREEHEY: There are no trees to cut down.

MR. KANE: Have to ask the question.

MR. GREEHEY: We'll be adding trees but not cutting them down.

MR. KANE: Substantial runoff or water drainage from the building of it?

MR. GREEHEY: No, at least nothing I can envision.

MR. KANE: And the only easements that we see that's near that is off to the side, it's a drainage easement and has no affect whatsoever on the building?

MR. GREEHEY: Correct.

MR. KANE: Any other questions, guys?

MR. REIS: In regard to your potential expansion of your patio, patio that you have now?

MR. GREEHEY: Actually shifting, sir, because the patio is there but since the bump out would cover that area we would re-set it over so we have a place to put a table and some chairs there.

MR. REIS: I was just going to say the 12 x 12 you might be limiting yourself, looks like you've got about 20 some feet there now.

MR. GREEHEY: Oh, there's, it's hard to say because of the walk and everything but--

MR. KANE: Take a day or two and decide on those numbers before you call Mike and give it a chance, you might reflect on it when you get home and say you should of went bigger because we need to have everything for that in the paper for the public hearing as you should know.

MR. REIS: Accept a motion?

MR. KANE: Sure will.

MR. REIS: Make the motion that we set up Mr. William Greehey for his requested variance at 2209 Revere's Run.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

PUBLIC HEARINGS:

ANTHONY FAYO (04-62)

MR. KANE: Request for variance of Section 300-11 A(3) accessory structure to project closer to the road than principal building at 308 Bull Road in an R-1 zone.

Mr. Anthony Fayó appeared before the board for this proposal.

MR. KANE: Go ahead, Anthony.

MR. FAYO: How are you today, Mr. Chairman?

MR. KANE: Fine. Tell us what you want to do, sir.

MR. FAYO: I'd like to get, build a garage, it's going to be further because of the type of property that I own, it's long and narrow, my house sits back about 1,200 feet and there's a small dry portion up front which comes off the road, 200, 300 feet that's dry then we go to some wetlands to the stream and then back to my house which is sitting on another piece of the property so it needs to be, leaves me very limited places to put the building.

MR. KANE: So in your opinion that's the safest and only place that you can put it?

MR. FAYO: Pretty much. I have an attached map.

MR. KANE: Any easements in that specific area?

MR. FAYO: No.

MR. KANE: Cutting down any trees or substantial vegetation in the building of it?

MR. FAYO: Probably three trees.

MR. KANE: Will you be creating any water hazards or runoffs with the building of this?

MR. FAYO: No.

MR. KANE: The height of the garage itself is going to be higher than other buildings in the area?

MR. FAYO: No, it would not be.

MR. KANE: Power to the garage?

MR. FAYO: Yes, there will be power to the garage.

MR. KANE: Same meter that's on the home?

MR. FAYO: No, it will be separate, well, the house is so far back that's why.

MR. KANE: And you have, with a separate meter, you have no intention of using this as any kind of a rented space or apartment space, strictly used as a one family home garage?

MR. FAYO: Right, storage for my antiques, tractors, boat, truck.

MR. KRIEGER: It's a one-family house and it will always be a one-family house?

MR. FAYO: Yes. And it's a garage and will always be a garage.

MR. KANE: I'll ask if anybody's here for this particular hearing? Nobody here, nobody cares. We'll open and close the public portion of the meeting and ask Myra how many mailings.

MS. MASON: On September 9, I mailed out 18 addressed

envelopes and had no response.

MR. KANE: We'll bring it back to the board.

MR. REIS: Mr. Chairman, I'd like to recuse myself from this hearing, I do work with Anthony Fayo and company.

MR. KANE: Not a problem. Thanks, Mike. You okay, Steve?

MR. RIVERA: I'd like to disclose that I am affiliated with Reis but I am in no way affiliated with any transactions with Mr. Fayo.

MR. KANE: Any other questions?

MR. MC DONALD: I'll make the motion that we grant the variance for Mr. Fayo for his accessory structure to project closer to the road than the principle building 308 Bull Road.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	ABSTAIN
MR. KANE	AYE

ANTHONY YONNONE (04-63)

MR. KANE: Request for variance of Section 300-11 A(3) accessory structure to project closer to the road than principle building at 56 Cedar Avenue in an R-4 zone.

Mr. and Mrs. Anthony Yonnone appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. YONNONE: I'm getting information on how to put a shed up over top of our pool heater and pump.

MR. MC DONALD: That's already in, right?

MR. YONNONE: Right.

MR. KANE: I'm not sure on the heater, can't be enclosed.

MRS. YONNONE: We have--

MR. YONNONE: A stack for it.

MR. KANE: Be very careful on that cause also a lot of fumes that come out of that. I'm in the pool business so--

MR. YONNONE: Right.

MRS. YONNONE: The shed's going passed the front of our house, right?

MR. YONNONE: It's closer to the road than the house itself.

MR. KRIEGER: Is he at the intersection of two roadways?

MR. KANE: No but it's just passed the front of the house for the shed and that's the only place that you can safely put your shed?

MR. YONNONE: Yes, sir.

MR. KANE: Shed itself similar in size and nature to other sheds in your area?

MR. YONNONE: I would have to say yes, similar.

MR. KANE: May not have the same use but similar in size?

MR. YONNONE: Similar.

MR. REIS: Your shed would be encapsulating the existing equipment right where it is now?

MR. YONNONE: Yes, sir.

MR. KANE: And you understand that if the board passes, approves this that you're still required to meet all of the regulations from the building department?

MR. YONNONE: Yes, sir.

MR. KANE: And the shed and the power?

MR. YONNONE: Yes.

MR. MC DONALD: Looking at this in relation to this pool right here, it's going to be over this?

MR. YONNONE: Right over top this, this is the power here.

MR. MC DONALD: And this is?

MR. YONNONE: Right, this here would be, right, here's

a drainage right there.

MR. KANE: Won't be cutting down any trees or substantial vegetation in the building of the shed?

MR. YONNONE: No.

MR. KANE: Creating any water hazards on runoffs?

MR. YONNONE: No, sir.

MR. KANE: Any easements.

MR. YONNONE: None.

MR. KANE: And even though the building is in front of your house, it is not blocking the view of any motorists driving by on the road?

MR. YONNONE: We're about 40 feet in the air on top of a hill, they would have to go out of their way to even look at the house, unfortunately.

MR. KANE: We have to ask the questions.

MR. YONNONE: I understand.

MR. KANE: You're fenced in?

MR. YONNONE: Yes.

MR. KANE: At this point, I will open up the meeting to the public and ask if there's anybody here for this particular--you're not, no, okay, then not here for you so we'll close the public hearing portion of the hearing and ask Myra how many mailings.

MS. MASON: On September 9, I mailed out 73 addressed envelopes and had no responses.

MR. KANE: You were saying?

MR. YONNONE: Just one question for the property itself is all fenced in, the whole square footage, everything for the pool.

MR. KANE: Still need a fence.

MR. BABCOCK: There's some--

MR. YONNONE: It's between a fence and the house, is there a way we can block it off?

MRS. YONNONE: I did ask the question and the girl told me as long as I have a latch on the fence but we do want to fence it in.

MR. KANE: Self-closing, self-latching, that's the key, whatever it is if you're whole yard is fenced in, you have sliders in the back, those doors have to be self-closing, self-latching, if not, you need to put a fence around the pool with a self-closing, self-latching gate.

MR. YONNONE: Understand.

MR. KANE: What they don't want is that 30 seconds it takes that little guy to hit the door and he's out to the pool and there needs to be some kind of barrier, you know.

MRS. YONNONE: Yeah, we want to do that and put the alarm system.

MR. KANE: You can get a gate alarm system. Don't look for anything that's floating, go for, I go for something that's deep, otherwise, the birds will land, set off the alarms and you'll never pay attention. They have the ones that go deeper in the water and if you get a little bit lower, they're portable, they're

probably about 200 bucks, but they're worth it or they have little wristwatches that you can put on and they have a 500 yard range and if it gets embedded in water that alarm will go off. Any questions, guys?

MR. REIS: We don't have to worry about side yard here?

MR. BABCOCK: No.

MR. REIS: I'm good. Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we approve Mr. Yonnone's requested variance at 56 Cedar Avenue.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

JAMES HOSKIN, JR. (04-64)

MR. KANE: Request for 16 ft. rear yard setback for proposed attached 20 ft. x 22 ft. rear deck at 2716 Colonial Drive in an R-3 zone.

Mr. Hoskin appeared before the board for this proposal.

MR. KANE: How you doing?

MR. HOSKIN: Good.

MR. KANE: Tell us again what you want to do.

MR. HOSKIN: Looking to just put a deck on right off the back side of the house, there's a sliding door off the back and the, I just want to extend it from there. There's a bay window at that spot and that will go right off centered around the bay window somewhat. The variance is from the end of the house to the property line is already 30 feet so the variance is for the depth of the deck, it will go out 16 from the bay window go out 16 feet so from the bulk of the house it's about 18 1/2 feet out so that's the variance, that's the need for a variance.

MR. KANE: Cutting down any trees, substantial vegetation?

MR. HOSKIN: No.

MR. KANE: Creating any water hazards or runoffs?

MR. HOSKIN: No, sir.

MR. KANE: Deck's similar in size and nature to other decks in your area?

MR. HOSKIN: Yes, actually, I have been on a couple and pulled some ideas from those.

MR. MC DONALD: There's no easement behind you?

MR. HOSKIN: No, there's an easement to the one side to the right of the property.

MR. KANE: Deck is going to take the place, how far off the ground is the deck going to be?

MR. HOSKIN: It's 28 inches at the house and it will go out to about 32 or 33 inches.

MR. KANE: You'll be removing the stairs from the rear door on your house and the deck will take the place of those stairs?

MR. HOSKIN: Well, I'll have two stairs off the deck also.

MR. KANE: Right, as egress from your home?

MR. HOSKIN: Yes, sir.

MR. KRIEGER: The first thing you hit is the deck when you go out the door?

MR. HOSKIN: It will be straight and level when you step out.

MR. MC DONALD: This red line is the property line?

MR. HOSKIN: Yes, sir.

MR. KANE: Any easements?

MR. HOSKIN: Not in the back, on the side, on the right side.

MR. KANE: At this point, I will open it up to the public and ask if there's anybody that wishes to speak.

You can vote no. Now we'll close the public portion of the hearing and ask Myra how many mailings we had?

MS. MASON: On September 9, I mailed out 70 addressed envelopes and had no response.

MR. KANE: We'll close that, okay.

MR. KRIEGER: If there was no deck, somebody exiting the house would fall a considerable distance to the ground?

MR. HOSKIN: It's about 28 inches.

MR. KANE: You could sustain an injury?

MR. KRIEGER: Enough to sustain serious physical injury?

MR. HOSKIN: If you were unaware of it when you were stepping out.

MR. RIVERA: Make a motion that we grant James Hoskin, Jr. his requested 16 foot rear yard setback for proposed attached 20 foot by 22 rear deck at 2716 Colonial Drive.

MR. MC DONALD: Second it.

MR. HOSKIN: It doesn't go back that far when I put it out exactly so it's a little bit underneath that.

MR. MC DONALD: This will cover it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

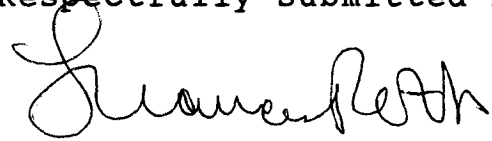
MR. RIVERA: So moved.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

9/29/04